UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,295	06/26/2003	Geoffrey Howard Harris	MS1-1478US	7876

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8,10 and 12-97* is/are pending in the application.

    4a) Of the above claim(s) *16-97* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8,10 and 12-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This communication is responsive to an amendment filed 10/31/08.

2.   Claims 1-8, 10 and 12-97 are pending in this application; and, claims 16-97 are

withdrawn from consideration. Claims 9 and 11 have been cancelled; and, claims 1-8,

10 and 12-15 have been amended.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 2, 4-8, 10 and 12-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Robbin et al. ("Robbin", US 2003/0167318 A1) in view of Ryan et al.

("Ryan", US 2003/0084452), in view of Hitson et al. ("Hitson", US 2002/0010759), and

further in view of Palaniappan (US 6,711,557 B1).

As per claim 1, although Robbin teaches a media player UI (par. [0026]) and

computer-readable storage medium comprising computer-executable instructions that

perform the following when executed by a computer: receiving a request to perform a

media operation with respect to a media file (paragraphs [0029], [0033]-[0034] and

[0049]); determining a media provider to which the media file is attributable; assessing if

the media provider allows the media operation to be performed with respect to the

media file (paragraphs [0029], [0033]-[0034] and [0049]; host computer provides

media); and performing the requested media operation if allowed by the media provider

(paragraphs [0033]-[0034] and [0049]; given are examples of operations allowed by

provider and performed by provider), Robbin does not explicitly disclose the UI being a

universal UI permitting access to a first stream from a first media provider and a second

stream from a second media provider. Ryan teaches receiving a universal UI permitting

access to a first stream from a first media provider and a second stream from a second

media provider (paragraphs [0005]-[0006], [0020] and [0033]). It would have been

obvious to include the method of Ryan with the method of Robbin in order to aggregate

all the content from multiple screens into a single display and, thereby, providing

content and navigation in an easy-to-use manner regardless of its data source.

Robbin and Ryan do not explicitly disclose denying the requested media

operation if not allowed by the media provider. Hitson teaches denying the requested

media operation if not allowed by the media provider (Abstract; paragraph [0153]) It

would have been obvious to include the method of Hitson with the method of Robbin

and Ryan in order to provide a layer of security.

Robbin, Ryan & Hitson still do not explicitly disclose storing applications from

various providers locally and accessing it on a local platform without further

communicating with the providers; however, storing OS and application programs from

such providers and, moreover, accessing application programs via a local platform is

well known in the art as taught by Palaniappan (col. 1, lines 31-52; downloading

applications such as browsers, e.g., Internet Explorer), from various vendors). It would

have been obvious to include the method of Palaniappan with the method of Robbin,

Ryan & Hitson in order to provide for such scenarios as loss of network connection and,

therefore, allow users to work off-line, especially in view of KSR, 127 S. Ct. 1727 at

1742, 82 USPG2d at 1397 (2007).

However, Robbin, Ryan, Hitson & Palaniappan still do not disclose using a

module; however, the practice of utilizing a module is well known in the art for many

years. It would have been obvious to an artisan at the time of the invention to include

such well known practices with the method of Robbin, Ryan, Hitson & Palaniappan in

order to minimize complexity in interdependency of software given that using modules

makes it easier to upgrade and fix, especially in view of KSR, 127 S. Ct. 1727 at 1742,

82 USPQ2d at 1397 (2007)

As per claim 2, the modified Robbin teaches a computer-readable storage

medium wherein the determining is performed with the aid of a unique identifier for the

media provider that is within the media file (Robbin: [0036]).

As per claim 4, the modified Robbin teaches a computer-readable storage

medium wherein the determining is performed without communication across a

communications network (Robbin: fig. 2; wherein a cable has been selectively

established between media player 202 and PC/host computer 204 prior to

communication).

As per claims 5-8, the modified Robbin teaches a computer-readable storage

medium wherein the assessing is performed by executing computer code/code module

associated with the requested media operation received from the media provider

(Robbin: [0036]; wherein an API is required for invoking code modules). The modified

Robbin further teaches assessing code and/or information from a remote source as is

well known in the art (Ryan: paragraphs [0005]-[0006], [0020] and [0033]).

As per claim 10, the modified Robbin teaches a computer-readable storage

medium comprising communication with the media provider (Robbin: fig. 2). The

modified Robbin further teaches communicating with the media provider if the media

operation is not allowed by the media provider and presenting options to a user through

the user interface for gaining allowance from the media provider (Hitson: Abstract).

As per claim 12, the modified Robbin teaches a computer-readable storage

medium wherein the media operation includes downloading the media file to a portable

media playing device (Robbin: paragraph [0026]).

As per claim 13, the modified Robbin teaches a computer-readable storage

medium wherein the media operation includes recording the media file onto a

permanent medium (Robbin: paragraph [0026]).

As per claim 14, the modified Robbin teaches a computer-readable storage

medium wherein the media operation includes recording the media file onto a compact

disk (Robbin: paragraph [0026]).

As per claim 15, the modified Robbin teaches a computer-readable storage

medium wherein the media operation includes recording the media file onto a digital

video disk (Robbin: paragraphs [0026] and [0053]; the passages describes recording

media items on disks wherein media items include videos).

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin et

al. ("Robbin", US 2003/0167318 A1), in view of Ryan et al. ("Ryan", US 2003/0084452),

Hitson et al. ("Hitson", US 2002/0010759) and Palaniappan (US 6,711,557 B1), and

further in view of Nykanen et al. ("Nykanen", US 2004/0248561).

        As per claim 3, although the modified Robbin teaches a computer-readable

storage medium wherein the determining is performed with the aid of a unique identifier

for the media provider that is within the media file (Robbin: [0036]), the modified Robbin

does not explicitly disclose the unique identifier being a header. The use of headers as

unique identifiers are well known in the art as taught by Nykanen et al. (paragraph

[0041]). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPG2d at 1397 (2007),

it would have been obvious to include the method of Nykanen with the method of the

modified Robbin in order to keep metadata and content data separate and preserve the

integrity of the content.

Response to Arguments

6.   Applicant's arguments with respect to claim 1 has been considered but are moot

in view of the new ground(s) of rejection.

Inquires

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571)**

272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to

3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dennis Chow, can be reached at (571) 272-7767.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
May 22, 2009

/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174